

Environmental Protection Agency

WASHINGTON

May 12, 2017

DAILY COMMUNICATIONS REPORT

TO: White House Cabinet Affairs Communications

FROM: John Konkus

SUBJECT: Communications Update

Inquiries

HQ

Non-Responsive - Press Inquiry on Topics Unrelated to Bristol Bay

Alaska Public Radio Network (Liz Ruskin); BNA (Amena Saiyid); Law 360 (Juan Carlos Rodriguez); and New York Times (Tatiana Schlossberg) [Received 5/12] – CLOSED 5/12 – Deferred to DOJ for Pebble Mine settlement and press release.

Non-Responsive - Press Inquiry on Topics Unrelated to Bristol Bay

InsideEPA (David LaRoss) [Received 5/12] – OPEN – Question about Pebble Mine Settlement.

Non-Responsive - Press Inquiry on Topics Unrelated to Bristol Bay

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Region 1

No new inquiries

Region 2

No new inquiries

Region 3

No new inquiries

Region 4

Non-Responsive - Press Inquiry on Topics Unrelated to Bristol Bay

Region 5

No new inquiries

Region 6

No new inquiries

Region 7

No new inquiries

Region 8

No new inquiries

Region 9

No new inquiries

Region 10

No new inquiries

Top Stories

Non-Responsive - Press Story Unrelated to Bristol Bay

<https://www.eenews.net/eenewspm/2017/05/12/stories/1060054511>

Judge approves Pebble settlement

Non-Responsive - Press Story Unrelated to Bristol Bay

<http://www.foxnews.com/politics/2017/05/12/epa-may-ok-massive-controversial-mine-project-near-pristine-alaskan-bay.html>

EPA may OK a massive, controversial mine project near pristine Alaskan bay

Non-Responsive - Press Story Unrelated to Bristol Bay

<https://www.theguardian.com/environment/2017/may/12/alaska-gold-mine-project-rivived-epa-trump>
Locals dismayed as Trump's EPA gives new life to controversial Alaska mine

Non-Responsive - Press Story Unrelated to Bristol Bay

<https://www.eenews.net/greenwire/2017/05/12/stories/1060054501>
Trump EPA makes way for controversial Pebble mine project

Non-Responsive - Press Story Unrelated to Bristol Bay

<http://dailycaller.com/2017/05/12/trumps-epa-lifts-obama-era-legal-block-of-us-largest-copper-mine/>
Trump's EPA Lifts Obama-Era Legal Block Of US' Largest Copper Mine

<http://ntknetwork.com/pebble-mine-settlement-huge-win-for-jobs-trump-and-pruitt/>
Pebble Mine Settlement Huge Win for Jobs, Trump, and Pruitt

<http://www.washingtontimes.com/news/2017/may/12/epa-reaches-settlement-pebble-mine-company-stalled/>
EPA reaches settlement with Pebble mine company; stalled Alaska project could go forward

<http://www.reuters.com/article/us-mining-alaska-epa-idUSKBN1881UB>
U.S. EPA paves way for stalled copper and gold mine in Alaska

http://hosted.ap.org/dynamic/stories/U/US_ALASKA_PEBBLE_MINE?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT
EPA may allow massive mine near pristine Alaskan bay

<http://www.washingtonexaminer.com/epa-seeks-decision-on-alaskas-pebble-mine/article/2622916>
EPA seeks decision on Alaska's Pebble Mine

Non-Responsive - Press Story Unrelated to Bristol Bay

<http://thehill.com/policy/energy-environment/333077-epa-mining-firm-settle-dispute-over-controversial-alaska-project>
Trump's EPA revives controversial Alaska mining project

Non-Responsive - Press Story Unrelated to Bristol Bay

<https://www.politicopro.com/energy/story/2017/05/pebble-mine-developer-epa-strike-deal-to-move-forward-with-permitting-156775>
Pebble Mine can apply for permit in deal with EPA

<https://www.washingtonpost.com/news/energy-environment/wp/2017/05/12/obama-blocked-this->

Non-Responsive - Press Story Unrelated to Bristol Bay

Top Issues and Accomplishments

Issued 2 Press Releases:

EPA and Pebble Limited Partnership Reach Settlement Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudice a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudice any particular outcome to this process, but does

ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

EPA's Weekly Round-Up

May 12, 2017

Non-Responsive - Summaries of Press Stories Unrelated to Bristol Bay

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